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*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIOLETA DZIKOVIC, HATIXHA ZHERKA, KUJTIM  
ZHERKA, JOHN O'NEILL, GABRIEL POTENTE, MADLIN  
SULEIMAN, LANA MARJI, KENNETH HESLOP, RANDA  
SAYEGH, CHANDRA SOOKDEO, JONI CAMPBELL,  
YOLANDA COLLAZO, ROBERTO RODRIGUEZ,  
GUILLERMO CORSO, CHEZEKIA CORSO, ARACELIS  
BATISTA, ALICIA CORZO, MARIO MARTINEZ, ANGEL  
FELIZ, Sr., ANGEL FELIZ, Jr., DOMINICK D'INTINO,  
ROBERT PALERMO, SAL POTENTE, JAMES CAREY,  
VERONIKA DZIKOVIC and DEREK ROBERTO,

Plaintiffs,

-against-

PHILIP AMICONE, individually, EDMUND  
HARTNETT, individually, JOHN A. LISZEWSKI,  
individually, LAWRENCE A. PORCARI, Jr., CITY OF  
YONKERS, New York, PAUL WOOD, individually,  
POLICE OFFICERS JOHN DOES #1 to #20,  
individually, and SANITATION WORKERS #1 to #20,  
individually,

Defendants.

**ECF Case**

07 Civ. 7692 (CLB)

**DECLARATION OF  
ANDREW B. ZINMAN IN  
SUPPORT OF MOTION TO  
DISMISS THE COMPLAINT  
AS AND AGAINST  
DEFENDANT LAWRENCE A.  
PORCARI, JR.**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

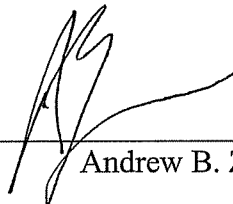
**ANDREW B. ZINMAN**, being duly sworn, states the following under penalty of perjury:

1. I am an associate with the law firm Thacher Proffitt & Wood LLP, attorneys for Defendants in the above-entitled action, and duly admitted to practice law in this Court.

2. I submit this declaration based upon information and belief, the source of which is a review of the documents that form the basis of this action.

3. I submit this declaration solely to provide the Court with the following document and statutory authority which support Defendant Lawrence A. Porcari, Jr.'s ("Porcari") motion to dismiss the Complaint dated August 28, 2007 (the "Complaint") as and against him pursuant to Federal Rule of Civil Procedure 12(b)(6) upon the ground that the Complaint fails to state a cause of action upon which relief can be granted because Porcari is entitled to absolute and/or qualified immunity:

- a. Annexed hereto as Exhibit **A** is a copy of the Complaint.
- b. Annexed hereto as Exhibit **B** is a copy of the City of Yonkers Charter, Article XIII, Department of Law, which empowers the Office of the Corporation Counsel to, among other things, prosecute violations of the Yonkers City Code.

  
\_\_\_\_\_  
Andrew B. Zinman

Sworn to this 26th day of  
September, 2007

\_\_\_\_\_  
Notary Public